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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,525	12/18/2001	Amit Haller	IXIM-01003US0	4759
28554	7590	10/06/2004	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/023,525	HALLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharad Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 July 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10, 12-27, 29-37, 39-47 and 49-53, 58 is/are pending in the application.

4a) Of the above claim(s) 11, 28, 38 is/are withdrawn from consideration.

5) Claim(s) 48 and 55-57 is/are allowed.

6) Claim(s) 1-10, 12-27, 29-37, 39-47 and 49-53, 58 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>09/22/04</u>	6) <input type="checkbox"/> Other: _____

***Response to Amendment***

As in previous office-action.

Claims 11, 28, 38 are cancelled.

Claims 48, 55-57 are allowed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12-17, 25-27, 29-31, 39-47, 50, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al. in view of Hendrickson et al.

1) Regarding claim 1, Sharma et al. disclosed A method, comprising the steps of - transferring usage information regarding WAN telecommunication usage of the first device from the short distance wireless network to a second device in the WAN; (pg.3; 0037) and, making a business decision responsive to the information. (pg.8; 0068)

Sharma fails to disclose generating a first short range radio signal, by a first device in a short distance wireless network, in order to transfer information between a WAN and the first device. However, Hendrickson teaches in an analogous art, that generating a first short range radio signal, by a first device in a short distance wireless network, in order to transfer

information between a WAN and the first device; (pg.14; 0205) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include generating a first short range radio signal, by a first devise in a short distance wireless network in order to provide wireless device and wireless network usage and performance metrics.

- 2) Regarding claim 2, Sharma et al. disclosed The method of claim 1, wherein the first device is a BluetoothTM device. (0057; pg.7)
- 4) Regarding Claim 4, Sharma disclosed The method of claim 1, further comprising the step of generating a second short range radio signal, by a third device in the short distance wireless network, in order to communicate with the first device. (pg. 5; 0045).
- 5) Regarding Claim 5, Sharma disclosed The method of claim 4, wherein, transferring step includes transferring the usage information from a fourth device in the short distance wireless network, by generating cellular signals to the WAN. (0044; pg.5)
- 6) Regarding Claim 6, Sharma disclosed The method of claim 5, wherein the transferring the usage information step is in response to a request from the second device in the WAN. (0044; pg.5)
- 7) Regarding Claim 7, Sharma disclosed The method of claim 5, wherein transferring the usage information step is generated periodically by the fourth device. (0068; pg.8)
- 8) Regarding Claim 8, Sharma disclosed The method of claim 5, wherein the transferring usage information step is generated in response to a user input. (0068; pg.8)
- 9) Regarding claim 9, Sharma et al. disclosed The method of claim 5, wherein the fourth device is a cellular telephone and the second device is a server processing device. (pg. 5; 0045)
- 12) Regarding claim 12, Sharma et al. disclosed A method, comprising the steps of -

transferring the information to a second device in a WAN by using cellular signals; (pg.3; 0037)

and,

making a business decision responsive to the information. (pg.8; 0068)

Sharma fails to disclosed generating a first short range radio signal, by a first devise in a short distance wireless network, in order to transfer information between a WAN and the first device.

However, Hendrickson teaches in an analogous art, that generating a first short range radio signal, by a first devise in a short distance wireless network, in order to transfer information between a WAN and the first device; (pg.14; 0205) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include generating a first short range radio signal, by a first devise in a short distance wireless network in order to provide wireless device and wireless network usage and performance metrics.

13) Regarding claim 13, Sharma disclosed The method of claim 12, wherein the information is an indication of the health of a battery of the first device in the first short distance wireless network. (pg.8; 0068).

14) Regarding claim 14, Sharma disclosed The method of claim 12, wherein the making step includes the step of providing a user of the short distance wireless network with a replacement device. (pg.8; 0068)

15) Regarding claim 15, Sharma disclosed The method of claim 13, wherein the making step includes the step of providing a user of the short distance wireless network with a replacement battery. (pg.8; 0068)

16) Regarding claim 16, Sharma et al. disclosed all the particulars of the claim except downloading a software. However, Hendrickson teaches in an analogous art, that The method of

Art Unit: 2683

claim 1, wherein the making step includes the step of downloading a software component to the first device in the first short distance wireless, wherein the software component provides a service to the first short distance wireless network. (pg.5; 0060) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include downloading a software in order to provide wireless device and wireless network usage and performance metrics.

17) Regarding claim 17, Sharma et al. disclosed all the particulars of the claim except downloading a software. However, Hendrickson teaches in an analogous art, that The method of claim 1, wherein the making step includes the step of generating an invoice for a user of the first short distance wireless network. (pg.5; 0057) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include downloading a software in order to provide wireless device and wireless network usage and performance metrics.

25) Regarding claim 25, Sharma et al. disclosed A method for making a business decision, comprising the steps of:

transferring the first device information from a first device (pg.3; 0037) in a short distance wireless network to a second device in the short distance wireless network;  
transferring the first device information from the second device (0045; pg.5) to a third device in a Wide Area Network ("WAN") (pg.3; 0037) and

Sharma fails to disclosed step of obtaining user information from a database. However, Hendrickson teaches in an analogous art, that providing a user of the short distance wireless network with an object responsive to the first device information and user information, wherein the providing step further includes the step of obtaining user information from a database in the

Art Unit: 2683

WAN. (pg.14; 0205) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include step of obtaining user information from a database in order to wireless device and wireless network usage and performance metrics.

26) Regarding claim 26, Sharma et al. disclosed The method of claim 25, wherein the second device is a cellular telephone. (0045; pg.5)

27) Regarding claim 27, Sharma et al. disclosed The method of claim 26, wherein the first device is a BluetoothTM device communicating with a cellular telephone. (0057; pg.7)

29) Regarding claim 29, Sharma disclosed The method of claim 25, wherein the first device information includes an indication of a battery life of the device and the object is a battery. (pg.8; 0068).

30) Regarding Claim 30, Sharma disclosed The method of claim 29, wherein the providing step includes the step of mailing the battery to the user. (pg.8; 0068)

31) Regarding claim 31, Sharma disclosed The method of claim 25, wherein the first device information includes a health of the first device and the object includes a replacement first device. (pg.8; 0068)

39) Regarding claim 39 Sharma et al. disclosed The method of claim 38, wherein the generating a short-range radio signal is responsive to a user input. (0068; pg.8)

40) Regarding Claim 40, Sharma disclosed The method of claim 38, wherein the generating a short-range radio signal is generated periodically. (0068; pg.8).

41) Regarding claim 41, Sharma disclosed The method of claim 38, wherein the generating a short-range radio signal is responsive to a comparison between a threshold value and a device value. (0068; pg.8).

Art Unit: 2683

43) Regarding Claim 43, Sharma disclosed The method of claim 42, wherein the request message is generated periodically. (0068; pg.8).

42) Regarding Claim 42, Sharma disclosed The method of claim 26, wherein the transferring, the first device information from the second device to the third device step further comprises the step of:

generating a cellular signal, containing the first device information, responsive to a request message. (0045; pg.5).

46) Regarding Claim 46, Sharma disclosed The method of claim 25, wherein the first device is selected from a group consisting of a desktop computer, a laptop computer, a personal digital assistant, a headset, a pager, a printer, a watch, a thin terminal, a digital camera and an equivalent. (0020; pg.2)

47) Regarding Claim 47, Sharma disclosed The method of claim 25, wherein the short distance wireless network is a BluetoothTM network. (0057; pg.7)

50) Regarding Claim 50, Sharma disclosed A system, comprising:  
a first device capable to generate a short-range radio signal containing device information; (pg.3; 0037)

a second device capable to generate a second short range radio signal in order to communicate with the first device; (pg. 5; 0045).

a cellular device for to generate a cellular signal, containing the device information, responsive to the short-range radio signal; (122; fig.1; pg.3; 0037) and,

Sharma fails to disclose a processing device, having a database containing user information, to provide an object to the user responsive to the device information and the user

Art Unit: 2683

information. However, Hendrickson teaches in an analogous art, that a processing device, having a database containing user information, to provide an object to the user responsive to the device information and the user information. (pg.14; 0205) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a processing device, having a database containing user information, to provide an object to the user responsive to the device information and the user information in order to provide wireless device and wireless network usage and performance metrics.

52) Regarding claim 52, Sharma disclosed The system of claim 50, wherein the object is a battery and the device information includes the battery life of the device. (0068; pg.8)

53) Regarding claim 53, Sharma disclosed The system of claim 50, wherein the object is a replacement device and the device information includes the status of the device. (0068; pg.8).

54) Regarding Claim 54, Sharma disclosed An article of manufacturer, including a computer readable medium (0037; pg.3), comprising:

a short-range radio software component to receive a short-range radio signal, containing a usage information of a device on a wide area network, in a short distance wireless network responsive to a message request; (pg.3; 0037) and capable to receive a second short range radio signal, including information for the first device, from a second device and provide the information for the first device to the first device (pg.5; 0045) and,

a cellular software component to generate a cellular signal, containing the usage information of the device, in the cellular network. (122; fig.1; pg.3; 0037)

Claims 3, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al., Hendrickson et al. further in view of Barnett.

3) Regarding claim 3, The above combination all the particulars of the claim except a 2.4 GHz transceiver. However, Barnett teaches in an analogous art, that The method of claim 1, wherein the obtaining step includes the step of obtaining the information from a device having a 2.4 or a 5.7 GHz transceiver. (Col.6; 29-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a 2.4 transceiver in order to operate remotely.

44) Regarding claim 44, The above combination all the particulars of the claim except a 2.4 GHz transceiver. However, Barnett teaches in an analogous art, that The method of claim 25, wherein the obtaining step includes the step of obtaining the information from a device having a 2.4 GHz transceiver. (Col.6; 29-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a 2.4 transceiver in order to operate remotely.

45) Regarding Claim 45, The above combination all the particulars of the claim except a 5.7 GHz transceiver. However, Barnett teaches in an analogous art, that The method of claim 25, wherein the obtaining step includes the step of obtaining the information from a device having a 5.7 GHz transceiver. (Col.6; 29-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a 5.7 GHz transceiver in order to operate remotely.

Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al., Hendrickson et al. further in view of Stanforth.

10) Regarding Claim 10, The above combination all the particulars of the claim except an Internet Protocol. However, Stanforth teaches in an analogous art, that The method of claim 1, wherein the obtaining step further includes obtaining the information in an Internet Protocol ("IP") packet. (0047; pg.5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an Internet Protocol in order to provide the capability of interconnection with the internet.

Claims 18-24, 32-37, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al., Hendrickson et al. further in view of Walsh et al.

18) Regarding claim 18, The above combination disclosed all the particulars of the claim except a first charge for a first manufacturer device. However, Walsh teaches in an analogous art, that The method of claim 17, wherein the invoice includes a first charge for a first manufacturer device in the first short distance wireless network. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a first charge for a first manufacturer device in order to provide a method for delivery content.

19) Regarding claim 19, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 17, wherein the invoice includes a first charge for the first device, in the first short distance wireless network, transferring a first type of data on the WAN and a second charge for the first device transferring a second type of data on the WAN. (0071-0074; pg.6) Therefore, it would have been obvious to

one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

20) Regarding claim 20, The above combination disclosed all the particulars of the claim except a first charge for a first manufacturer device. However, Walsh teaches in an analogous art, that The method of claim 17, wherein the invoice includes a first charge for a first type of device, in the first short distance wireless network, for accessing the WAN (0088; pg.7-pg.8) and a second charge for a second type of device, in the first short distance wireless network, accessing the WAN. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

21) Regarding claim 21, The above combination disclosed all the particulars of the claim except a first charge for a first manufacturer device. However, Walsh teaches in an analogous art, that The method of claim 19, wherein the transferring the first type of data is during a first period of time and the transferring the second type of data is during a second period of time. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

22) Regarding claim 22, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 1, wherein the making step includes the step of generating a pricing plan for a user of the first short distance wireless network responsive to the information. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

23) Regarding claim 23, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 1, wherein the making step includes the step of providing a promotional plan for a first user of the first short distance wireless network and a second user of a the second short distance wireless network. (0072; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

24) Regarding claim 24, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 23, wherein the providing a promotional plan step includes providing the first user a device, at a discounted cost, for the first short distance wireless network. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

32) Regarding claim 32, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 25, wherein the first device information is a telecommunication usage of the first device on the WAN and the object is an invoice for charges associated with the telecommunication usage. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

33) Regarding claim 33 The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 32, wherein the user information includes a pricing plan of the user and the WAN includes a cellular network. (0071-0074; pg.6)

Art Unit: 2683

34) Regarding claim 34 The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that disclosed The method of claim 33, wherein the charges are a function of a device type. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

35) Regarding claim 35 The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 33, wherein the charges are a function of the period of time of the telecommunication usage. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

36) Regarding claim 36 The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The method of claim 33, wherein the charges area function of the type of data transferred during the telecommunication usage. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

37) Regarding claim 37 The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that disclosed The method of claim 25, wherein the information is a telecommunication usage on a WAN and the object is a message for limiting the telecommunication usage. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

Art Unit: 2683

51) Regarding Claim 51, The above combination disclosed all the particulars of the claim except invoice. However, Walsh teaches in an analogous art, that The system of claim 50, wherein the processing device is in a wide area network and the object is an invoice (fee, charge; 0071-0074; pg.6) for usage of the device on the wide area network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al. in view of Walsh et al.

49) Regarding Claim 49, Sharma disclosed A method for a user of a telecommunication network, comprising the steps of-

generating a short-range radio signal, containing usage information of a device on the telecommunication network, from the device in a short distance wireless network to a cellular device; (pg.3; 0037)

generating a cellular signal, containing the usage information, from the cellular device to a processing device in the telecommunication network; (pg.3; 0037) and,

Sharma fails to discloses invoice. However, Walsh teaches in an analogous art, that providing the user with an invoice (fee, charge; 0071-0074; pg.6) for charges associated with the usage information. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al., Walsh et al. further in view of Stanforth.

58) Regarding Claim 58, Sharma disclosed A method for a user of a telecommunication network, comprising the steps of-

generating a short-range radio signal, containing usage information of a device on the telecommunication network from the device in a short distance wireless network to a cellular device; (pg.3; 0037)

generating a cellular signal, containing the usage information, from the cellular device to a processing device in the telecommunication network; (pg.3; 0037) and,

Sharma fails to discloses invoice. However, Walsh teaches in an analogous art, that providing the user with an invoice (fee, charge; 0071-0074; pg.6) for charges associated with the usage information. (0071-0074; pg.6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include invoice in order to provide a method for delivery content.

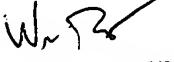
The above combination fails to disclose an Internet Protocol. However, Stanforth teaches in an analogous art, that an Internet Protocol ("IP") packet. (0047; pg.5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an Internet Protocol in order to provide the capability of interconnection with the internet.

Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria  
September 23, 2004

  
**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**